

# Order

Michigan Supreme Court  
Lansing, Michigan

May 23, 2007

Clifford W. Taylor,  
Chief Justice

131546 & (57)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

HASTINGS MUTUAL INSURANCE COMPANY,  
Plaintiff-Appellant/  
Cross-Appellee,

v

SC: 131546  
COA: 265621  
Oakland CC: 04-056508-CK

MOSHER, DOLAN, CATALDO & KELLY, INC.,  
Defendant-Appellee/  
Cross-Appellant,

and

LISA FEINBLOOM and DAVID FEINBLOOM,  
Defendants.

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On order of the Court, the application for leave to appeal the May 18, 2006 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered. The application for leave to appeal as cross-appellant is GRANTED, limited to the issues whether genuine issues of material facts in dispute exist as to (1) whether the actions of the defendant cross-appellant's subcontractors for which the defendant cross-appellant was held liable by the arbitrator were an "occurrence" within the meaning of the comprehensive general liability [CGL] policies issued by the plaintiff cross-appellee; (2) whether the "Damage to Your Own Work Exclusion" or "Fungi Exclusion" in any of those policies is applicable; and (3) which of the 2001, 2002, and 2003 policies control this dispute. The remaining issue in the application for leave to appeal as cross-appellant and the application for leave to appeal remain under consideration.

Persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0516

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 23, 2007

*Corbin R. Davis*

Clerk